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the development of the photographic plates which had then been taken; but, as this had been done before the court rendered its decision, it held that it would then be only a moot question, which it would not decide.

Betting on Crap Games.—Cheatham Parks appears to have been addicted to the habit of putting up money on "craps." Whether his first name led him to such evil deeds, or whether it was derived from his occupation, we are not told, but certain it is that the Texas courts convicted him of betting on a game of craps in violation of a statute in such case made and provided. Subsequently he was rearrested, tried, and convicted for another bet on the same game, and interposed a plea of former jeopardy, but to no avail. The Texas Court of Criminal Appeals in Parks *v.* State, 123 Southwestern Reporter, 1109, upheld the decision of the trial court, saying that, notwithstanding it may have been a continuous game, the law made each bet a distinct and separate offense.

Unenforceable Antenuptial Contract.—The St. Louis Court of Appeals in Brewer *v.* Cary, 127 Southwestern Reporter, 685, holds unenforceable an antenuptial contract providing that the children born of the marriage shall be baptized and educated in the faith of the Roman Catholic Church even if the wife should die. The court, following a long line of decisions, holds the contract unenforceable, since no property rights are involved, because public policy forbids permanent transfer of the natural rights of a parent, since only a moral duty is involved, and because, when the question of a child's welfare turns on the direction of its training and upbringing in one belief or another, equity courts have no power.

Right of Accused to Be Confronted with Witnesses.—Where a deposition, in a homicide case, was taken before an examining magistrate, and accused was confronted with the witness, and had, and availed himself of, full opportunity for cross-examination the Supreme Court of Michigan in People *v.* Droste, 125 Northwestern Reporter, 87, held that the constitutional right of an accused person to be confronted with the witnesses against him was not violated when the trial court admitted the deposition, it appearing that the witness was about to be confined, and therefore unable to attend and give her testimony.

Liability of Railroad for Theft.—Defendant carrier in the case of Hasbrouck *v.* New York Cent. & H. R. R. Co., 122 New York Supplement, 123, contends that plaintiff, a passenger, in surrendering her suit case to a trainman before she arrived at a station, and permitting him to have it in his custody before she alighted, consti-

tuted him her agent or bailee, and that such service was so far outside the scope of his employment that defendant is not responsible for his theft of three diamond rings valued at $1,500. It appeared that the conductor was in charge of the train, and that the trainman, who by the rules of the company was subject to the orders of the conductor, had been ordered by the latter to carry the suit case. The Appellate Division of the Supreme Court of New York held that under the circumstances the trainman, in taking the bag from plaintiff and exercising control over it, must be assumed to have acted for defendant.

One Man a Candidate for Two Parties.—Plaintiff, in the case of Fickert *v.* Zemansky, 108 Pacific Reporter, 269, was duly nominated as the Republican candidate for district attorney. The Union Labor party had no candidate for that office, but a blank space was left on the ballot where the elector might write the name of the person he desired to vote for. Plaintiff's name was written in by the greatest number of electors of that party. The board of election commissioners refused to print plaintiff's name upon the ballots to be used at the general election as the candidate of the Union Labor party on the theory that one party could not, at a primary election, nominate as its own candidate a member of another party, and that the voter of a party, in writing on the blank line placed on the primary ballot for that purpose the name of some person as his nominee for an office, must confine himself to members of his own party. The Supreme Court of California held that as there was nothing in the primary act or in any other law of the state that purported to preclude the nomination as a candidate for office by the electors of one party of a member of another party, plaintiff was entitled to have his name printed on the ballots as nominee for both parties.

Chastisement of Pupils.—Reuben cursed a school mate. The schoolmaster switched Reuben. Reuben cursed the schoolmaster, and he was cruelly switched. An irate father and boy brother violently assaulted the schoolmaster; left him in a dazed condition with several deep gashes in his head. The schoolmaster received a verdict for $3,000 actual and $500 punitive damages, but it was reduced to $2,400 by a remittitur. The Court of Appeals of Missouri in Cook *v.* Neely, 128 Southwestern Reporter, 233, held that a teacher may discipline his pupils by personal chastisement in a reasonable and moderate manner; but that if he goes beyond this, and punishes a pupil in a cruel manner, and the parent, being incited thereto, should assault the teacher, such punishment, while not justifying the assult, may be shown in evidence in mitigation of damages. In the opinion of the court the verdict was sustained by a preponderance of the testimony, showing an aggravated assault, perpetrated by two against one, and that without justifiable cause.